

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

EDDIE TAYLOR, JR.,)	
)	
Movant,)	
)	
v.)	No. 1:05-CV-138-CAS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Eddie Taylor, Jr. to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

On June 14, 2005, a jury found movant guilty of possession of pseudoephedrine, in violation of 21 U.S.C. § 841(c)(1); attempt to manufacture methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 841 (b)(1)(B); and felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(e). On August 16, 2005, he was sentenced, and on August 25, 2005, movant filed a notice of appeal. A review of the Court's records indicates that movant's direct criminal appeal currently is pending in the Eighth Circuit Court of Appeals. See United States v. Taylor, No. 05-3384/3460EM (8th Cir.). As such, the instant motion is premature and will be dismissed, without prejudice. See Masters v. Eide, 353 F.2d 517 (8th Cir. 1965)(ordinarily, defendant may not seek habeas corpus relief while appeal from conviction is pending).

In accordance with the foregoing,

IT IS HEREBY ORDERED that movant's motion pursuant to 28 U.S.C. § 2255 is **DENIED**, without prejudice.

An appropriate order of dismissal will accompany this memorandum and order.

Dated this 5th day of October, 2005

A handwritten signature in black ink, appearing to read "Charles G. Shaw", written in a cursive style.

UNITED STATES DISTRICT JUDGE